

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS****10/16/2021**

Nathan Ochsner, Clerk of Court

**UNITED STATES OF AMERICA**

Vs.

**Andrew Morales Buendia  
James Alan Osborn****CRIMINAL COMPLAINT**

Case Number: 2: 21-mj-1284

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 15, 2021 in Brooks County, in the  
(Date)

Southern District of Texas, defendant,

**Andrew Morales Buendia  
James Alan Osborn**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the  
Official Title  
following facts:

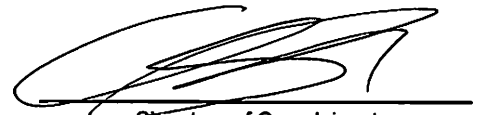
See Attached Affidavit of U.S. Border Patrol Agent

**Adam S. Nichols**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature  
attested telephonically per Fed.R.Crim.P.4.1, and probable cause  
found on the:



Signature of Complainant

**Adam S. Nichols**

Printed Name of Complainant

October 16, 2021 at 1:58 p.m.

Date

at

Corpus Christi, Texas

City and State

**Mitchel Neurock U.S. Magistrate Judge**

Name and Title of Judicial Officer



Signature of Judicial Officer

## **AFFIDAVIT**

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

### **FACTS/DETAILS:**

On October 15, 2021, at approximately 7:00 p.m., a white Hyundai Sonata approached the primary inspection lane of the United States Border Patrol Immigration Checkpoint near Falfurrias, Texas. The primary agent began to question the driver, later identified as Andrew Morales Buendia. The primary agent asked Buendia his intended destination and he responded, "Houston, Texas." The primary agent asked Buendia to roll down the rear window to verify if there were any additional occupants in the vehicle. The agent observed the rear seat had various miscellaneous items on it. The primary agent observed the front seat passenger, later identified as James Alan Osborn, not making eye contact when the agent was questioning Buendia. The agent asked Buendia about his relationship to Osborn, and Buendia responded, "He is my friend." The primary agent observed an identification card shaking in Buendia's hand and Buendia's forehead was sweating. Buendia began to tell the agent about a funeral he had attended a couple of weeks prior without the agent asking any questions. The primary agent asked Buendia if he could look into the trunk of the vehicle. The primary agent observed Buendia looking toward the hood of the vehicle then immediately looking down. The agent asked Buendia for the keys to the vehicle in order to open the trunk. The agent moved to the rear of the vehicle and opened the truck. In the trunk of the vehicle the agent observed two individuals. The agent called for additional agents to assist at the primary inspection area. Buendia and Osborn were removed from the vehicle under suspicion of alien smuggling and taken inside the checkpoint for further investigation. The two individuals in the truck were removed and questioned. Both admitted to being citizens of Honduras illegally present in the United States. They were taken into the checkpoint for further investigation.

All individuals were read their Miranda Rights in their preferred language and signed stating they understood their rights. All individuals were willing to provide a statement to agents without an attorney present.

### **PRINCIPAL STATEMENT (Andrew Morales Buendia):**

Buendia stated Osborn was in contact with an unknown person who asked them to pick up some people from McAllen, Texas and they were to be paid \$2,000 per person. Buendia stated they were told they would only serve 10 days in jail if caught because it was their first time. Buendia stated they were told to drive from Houston, Texas to a Motel 6 near Highway 281 in McAllen. Buendia stated they were told to wait for a vehicle to arrive at their location. Buendia stated a blue car arrived and two people walked over to the vehicle he was in. Buendia stated he told the people to get into the trunk. Buendia further stated he closed the trunk and began to drive. Buendia admitted to knowing the people were illegally present in the United States.

**CO-PRINCIPAL STATEMENT (James Alan Osborn):**

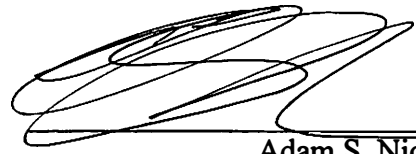
Osborn stated he posted on Craigslist looking for work. Osborn stated an unknown person offered him \$2,000 per person if he would come to the Rio Grande Valley to pick up people and take them North. Osborn stated he was told by the unknown person the worst that would happen was they would spend 10 days in a local jail. Osborn stated to agents that it did not matter and that they had caught him red-handed. Osborn declined to answer further questions.

**MATERIAL WITNESS STATEMENT (Juan Jose Ardon-Maradiaga):**

Ardon stated he paid 12,000 dollars to be smuggled into the United States and taken to Atlanta, Georgia. Ardon stated he crossed illegally into the United States near Hidalgo, Texas and was then taken to a stash house in McAllen where he stayed for approximately 20 days. Ardon stated he was picked up at approximately 5:30 p.m. and drove to a place he described as a church. Ardon stated the white vehicle was waiting with the trunk open. Ardon stated a man ordered him and the other alien into the trunk and closed the trunk. Ardon described the man as tall, bald-headed, with tattoos all over his body. Ardon stated it was very hot in the trunk and he did not have a plan to get out. Ardon stated they were not checked on for the two and a half hours once the vehicle began moving. Ardon was able to positively identify Buendia in a photo lineup as the man who he described.


**DISPOSITION:**

The facts of this case were presented to the Assistant United States Attorney Office who accepted Andrew Morales Buendia and James Alan Osborn for prosecution of 8 USC 1324, Alien Smuggling. Juan Jose Ardon-Maradiaga will be held as a material witness.



Adam S. Nichols  
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on this day October 16, 2021.



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Mitchel Neurock  
United States Magistrate Judge